

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
JANUARY 11, 2006**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at 6:00 p.m. Board members present were Charles Lapp, Don Hines, Jeff Larsen, Gene Dziza, Kathy Robertson, Randy Toavs, Frank DeKort, Kim Fleming, and Gordon Cross. Jeff Harris, Kirsten Holland, Traci Tull, and Nicole Lopez-Stickney represented the Flathead County Planning & Zoning Office.

There were approximately 33 people in the audience.

**APPROVAL OF  
MINUTES**

Robertson made a motion seconded by Dziza to approve the December 7, 2005 meeting minutes. The motion passed unanimously.

**MEMBER  
ELECTION**

Lapp made a motion seconded by Fleming to elect Board President by means of a ballot vote. On a roll call vote, the motion passed unanimously.

By a ballot vote, Jeff Larsen was elected as Board President.

Larsen made a motion seconded by Hines to nominate Gene Dziza for Board Vice President. On a roll call vote the motion passed unanimously.

Don Hines was appointed as the growth policy contact.

Charles was appointed, to continue, as the Long Range Planning Task Force contact.

**PUBLIC  
REVIEW**

Larsen reviewed the public hearing process for the public.

**PRELIMINARY  
PLAT/ CROWN  
JEWEL**

A request by Warren and Betty McConkey for Preliminary Plat approval of Crown Jewel Estates, a twenty-seven (27) lot (19 single-family and 8 townhomes) residential subdivision on 40.0 acres, with a 117.18 acre remainder. All lots in the subdivision are proposed to have public water and individual septic systems. The property is located at 3855 Lower Valley Road.

**STAFF REPORT**

Kirsten Holland reviewed the timeline of this application and said the applicant would like to request to table the project.

**APPLICANT**

Did not wish to speak. Staff handed Larsen a letter from Schwarz requesting to table this project.

**AGENCIES**

n/a

<b>PUBLIC COMMENT</b>	n/a
<b>STAFF REBUTTAL</b>	n/a
<b>APPLICANT REBUTTAL</b>	n/a
<b>MAIN MOTION</b>	Fleming made a motion seconded by Cross to table this project until the February 8, 2006 meeting pending a letter from the applicant acknowledging they waive the time limit.
<b>BOARD DISCUSSION</b>	None.
<b>MAIN MOTION ROLL CALL</b>	On a roll call vote the motion passed unanimously.
<b>PRELIMINARY PLAT/STAGE RD RIVER ESTATES 3 FPP-05-69</b>	A request by Marc Milisavljevich for Preliminary Plat approval of Stage Road River Estates Phase III, a twelve (12) lot single-family residential subdivision on 40.40 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 2660 Columbia Falls Stage Road.
<b>STAFF REPORT</b>	Traci Tull reviewed Staff Report FPP-05-69 for the Board.
<b>APPLICANT</b>	Greg Stevens, 31 Lower Valley Rd, represented the applicant. He talked about the roads being paved, discussed condition #8 in regards to upgrading Columbia Falls Stage Road, and the benefits this would have for Columbia Falls School enrollment. He thinks a 2.5-acre development would be attractive and fitting for the neighborhood.
<b>AGENCIES</b>	None present. <i>Comments were sent to Staff.</i>
<b>PUBLIC COMMENT</b>	<p><u>Laura Miller</u>, 170 River Stage Dr, presented a map to the Board. She talked about the area and the possibility of coming up with a neighborhood plan. Stage Rd. River Ph 1 and 2 people signed a contract to ensure protection in regards to further development. There should be a min of 5-acre lots, and she is opposed to 2.5-acre parcels. She is also concerned with traffic on Columbia Falls Stage Rd and wants to know the road can handle extra traffic in its current condition. She discussed the river, wildlife, drainage, wells, growth in the area, access, lot size. She isn't opposed to development, just lot sizes.</p> <p><u>George Sherman</u>, 2730 Columbia Falls Stage Rd, doesn't want this development to set a precedent. He is concerned with law enforcement, roads, and light pollution.</p>

Tim Gilt, 699 Trapp Rd, expressed concern for open space, small lot size, density, wildlife, and light pollution. He doesn't want this to set a precedent for future development.

Larry Hoerner, 100 River Stage Dr, said he understood future development would be of the same nature as the first phases. He talked about drainage and the spring that runs to Flathead river. He is also concerned with traffic and density.

Jan Wisher, 120 River Estates Dr, talked about the previous phases of the Stage Rd. River development. She is concerned with density, wildlife, road condition, and the character of the area. She asked the board to request the developer to increase size of lots and further research the impacts.

Julie Holbeck, 150 River Estates Dr, talked about lot size, responsible growth, safety on Cfalls Stage Rd, wildlife, and the proximity to Flathead River. She is not opposed to appropriate development, but is concerned with lot size, which isn't consistent with past subdivisions in the area. She discussed Ph 1 and 2 of Stage Rd. River and the lot sizes, which fit the rural nature of the area.

Virgil Pedersen, 170 River Estates Dr, talked about elevation, traffic on Columbia Falls Stage Rd, and wildlife corridors.

Norm Burns, 710 Trapp Rd, concerned with density, light pollution, traffic and dust on Trapp Rd, which people use as a cut-across road. Wants to keep rural feel of neighborhood, lots too small.

Fran Purdy, lots 4 & 5 Phase I, concerned with proposed road accessing an existing road with maintenance agreement. Agrees with previous statements.

John Wisher, Lot 6 owner, talked about the uniqueness of the area and the proximity to the river. Invited the Board members to come out and observe the area. Wants to see consistency.

Brian Peck, 615 Trapp Rd, agrees with previous comments. Lots proposed are 60% smaller than other lots in the area. Concerned with wildlife; elk herd was pushed into his neighborhood from woodridge development. Wants to see this in context with the neighborhood instead of creating more problems.

Kate (inaudible), 2730 Columbia Falls Stage, is concerned with small lot sizes, wildlife, habitat, and light pollution. She wants to see a low density rural area remain as such.

Russ Crowder, of American Dream Montana, is neither for nor against. He talked about a letter from Charlie Johnson in regards to upgrading

Columbia Falls Stage Rd. He read section of MCA 76-3-510 and talked about legislature and new laws regarding impact fees; he thinks Charlie is asking for impact fees. He talked about condition #8 and said it needed to be clarified.

**STAFF  
REBUTTAL**

Staff talked about storm water drainage, secondary access road, and said the developer needs to address this and also work with DEQ.

**APPLICANT  
REBUTTAL**

Greg Stevens, talked about access and the road users maintenance agreement; he read a section to the Board, which states the new users will have to join and contribute an equal share. He talked about the potential conservation easements in this area, drain fields, the aquifer, water, and the DEQ's responsibility. He discussed lot sizes and the reason the applicant proposed smaller lots.

Cross asked if the new lot owners would be subject to the covenants of Phases 1 and 2.

Stevens replied no.

Toavs asked about the road maintenance agreement and covenants of the previous developments.

Stevens said the new lot owners would have to participate in the road user's maintenance agreement but would not be subject to the covenants.

**BOARD  
DISCUSSION**

Lapp addressed people's concerns about lot sizes and referenced the map that Laura Miller provided for the Board. He pointed out smaller lot sizes that exist in that area. Discussed the wildlife in the area, access. Thinks the neighbors have a valid point.

Cross understood the neighbors concerns in regards to density. He visited the site today and agrees with the neighbors concerns.

Dziza stated he likes density with community systems; he thinks it preserves open space. He understands the people's concerns.

Robertson doesn't think it's compatible with the area; the density is too great.

Fleming doesn't like the small parcels. She thinks the traffic concern in a problem; the road is narrow and has no shoulder. She talked about River Estates Drive being in poor condition and thinks the road would break up with construction vehicles using it during development. She is also concerned with light pollution.

Toavs talked about covenants and the road user main agreement.

Hines asked Mr Peck the depth of his well; he replied about 200 feet. He asked Mrs. Miller the depth of her well; she said 102 feet.

**MAIN  
MOTION**

Fleming made a motion seconded by Robertson to adopt Staff Report FPP 05-69 as findings of fact as amended and recommended denial to the County Commissioners.

**MOTION**  
*Conditions 24,25,26*

Robertson made a motion seconded by DeKort to add conditions #24, 25, 26 to incorporate suggestions from Fish, Wildlife, & Parks, via a memo received by staff.

**BOARD  
DISCUSSION**

The Board discussed elevations of the subject property, building sites, drainfield, slope, septic systems, and setbacks.

**ROLL CALL**  
*Conditions 24,25,26*

On a roll call vote the motion passed unanimously.

**MOTION**  
*Condition #27*

Hines made a motion seconded by Robertson to add condition #27 to state the applicant shall proceed with a community water system.

**BOARD  
DISCUSSION**

Hines explained he made this motion in regards to protection of the aquifer.

**ROLL CALL**  
*Condition #27*

On a roll call vote the motion passed unanimously.

**MOTION**  
*Condition #19*

Robertson made a motion seconded by Fleming to change wording in condition #19 from "should" to "shall."

**ROLL CALL**  
*Condition #19*

On a roll call vote the motion passed 8-1 with Lapp dissenting.

**MOTION**  
*Condition #8*

Fleming made a motion seconded by Dziza to change condition #8 to require the developer to pave portions of Columbia Falls Stage Rd that abut the subject property in conjunction with the County Road Department.

**BOARD  
DISCUSSION**

Lapp talked about the dangers of Columbia Falls Stage Road

Staff commented on legislation in regards to road paving/ improvements.

**ROLL CALL**  
*Condition #8*

On a roll call vote the motion failed 9-1 with Fleming in support.

**MOTION**  
*Condition #11*

Fleming made a motion seconded by Robertson to change wording in condition #11 from "individual" to "community."

**ROLL CALL**  
*Condition #11*

On a roll call vote the motion passed unanimously.

<b>MAIN MOTION ROLL CALL</b>	On a roll call vote the motion passed unanimously.
<b>BOARD DISCUSSION</b>	The Board discussed their reasons for recommending denial of this proposal including non-compliance with the Master Plan (density issues), sub-standard roads, and the development being out of character with the neighborhood.
<b>PRELIMINARY PLAT/ MEADOWBROOKE PLACE FPP 05-77</b>	A request by Timothy and Julie Birk, Carol Keys and William Paullin for Preliminary Plat approval of Meadowbrook Place Subdivision, a one-hundred-ninety-three (193) lot (107 single-family and 86 townhomes) residential subdivision on 48.04 acres. All lots in the subdivision are proposed to have public water and septic systems. The property is located at 603 Somers Road.
<b>STAFF REPORT</b>	Traci Tull reviewed Staff Report FPP 05-77 for the Board. <i>She reviewed added condition #24 for the Board.</i>
<b>APPLICANT</b>	<p>Cliff Mort, of Neighborhood Inc, talked about affordable housing and explained the 3 phases of the proposed development. He talked about the dwelling styles, landscaping, cul-de-sacs, and mixed use of the neighborhood.</p> <p>Robertson commented on the cul-de-sac and wetlands. She commented on a neighboring property and access issues. She asked of there had been any contact with the Tiebucker's neighborhood in regards to road access. She showed a picture of a pond near the development, which is not seasonal.</p> <p>Mort responded and talked about elevation of the roadway.</p> <p>Lapp asked about setbacks.</p> <p>Cross asked about the number of dwellings in Phase I and the definition of affordability.</p> <p>Toavs asked about townhouses.</p> <p>Hines asked if the development company was involved in a few specific developments in Idaho.</p>
<b>AGENCIES</b>	None present. <i>Staff received comments from MDOT and the Flathead County Road, Weed/Bldg Maintenance, and Heath Departments.</i>
<b>PUBLIC COMMENT</b>	<u>Todd Ahern</u> , 175 Boon Rd, talked about the density, character of the area, Lakeside water & sewer, infrastructure, student enrollment increase and the addition of teachers & classrooms, which there's no money for. He doesn't think the developers give thought to maintaining character of the area. Overall he thinks this development is offensive.

Donald Baughman, 10 Somers Rd, doesn't think this development fits the character of Somers.

Kim Orr, 5655 Hwy 93 S, said this development will have a huge impact on the community; increase in school enrollment could be 10-30%. She talked about the fire department, children in the area, traffic, and water & sewer.

Michelle McGovern, 175 Boon Rd, owns a bed and breakfast in the area and said people come here for the scenery not to see houses. She agreed with previous comments.

Katherine Maxwell, 114 Pikes Peak, doesn't think this fits with the neighborhood, thinks it's too dense. She is concerned with a small common area considering the number of children that could potentially live there. She mentioned impact of schools and that there is no bike path. She thinks we need affordable housing but doesn't think people should have to do without certain basic amenities and safety needs. She doesn't think the environmental impacts are being considered; pointed out the wetlands and a pond where wildlife exists.

John Pust, 605 Somers Rd, is concerned with density; this will have a tremendous impact on the community. Somers Rd is narrow and he doesn't think the road could handle an increase in traffic.

Bob Beck, 65 Summit Ave, thinks this development is too much. He is concerned with the density and increase in traffic.

Russ Crower, of American Dream Montana, spoke neither in favor nor against. He discussed condition #9 in regards to paving. He recommended deleting condition # 9 and said condition #17 takes care of the issues.

Tonya Peterson, 45 Summit Ave, agreed with what was previously said. She thinks it will change the culture and that it's too dense.

Dennis Hatton, 249 Breezy Point, said Somers doesn't have the infrastructure to handle a dense development of this nature. He thinks it needs to be redone.

Tim Burk, 2239 Lower Valley Rd, talked about the general area and the sewer district.

**STAFF  
REBUTTAL**

Staff stated agencies were notified.

**APPLICANT  
REBUTTAL**

Cliff Mort said he empathizes with the resident's concerns because change is difficult. He thinks this is an appropriate medium-density development.

**BOARD  
DISCUSSION**

Dziza liked the density, affordability, and close proximity to water & sewer. He asked Jeff Harris if this should come back as a PUD.

Harris said no, it's not necessary and further explained.

Larsen asked about the setbacks and what would have to be done to address the issue.

Staff and Board discussed the regulations.

Robertson expressed concern about roads, parks, sidewalks and bike paths. She said it's not a good place for kids.

Hines compared this development to Empire Estates and talked about density.

**MAIN MOTION**

Cross made a motion, seconded by DeKort, to adopt Staff Report FPP 05-77 as findings of fact and recommended denial to the County Commissioners.

**BOARD  
DISCUSSION**

Cross said this development would approximately double the size of Somers. He likes density but doesn't think this is a well designed project; it doesn't fit with the "charm" of the area.

Hines couldn't believe there were no agency comments. The capacity would be used up with this development alone.

Robertson mentioned a survey that was sent out to the citizens in that general area, which overwhelmingly showed (80/20), the people wanted to maintain a small town environment. She thinks the neighbors concerns/wishes need to be addressed.

DeKort talked about a neighborhood plan being developed.

Hines asked if the applicant had any contact with the neighbors regarding this development.

Staff said no, there isn't an established group (ie: land use advisory committee) to contact.

Fleming asked if this development is included in an area being considered for a master plan amendment.

Lapp mentioned the Lakeside growth policy meeting from Monday night and his communications with a gentleman from the Lakeside Water & Sewer district who relayed the message that this area has been annexed into the district area. He said this isn't the Board's area. He discussed cul-de-sac designs and wanted the Board's opinion. He doesn't have a problem with the density.



Larsen said people like to buy lots in a cul-de-sac.

Fleming explained why she doesn't like cul-de-sacs in regards to safety issues.

Dziza thinks the Board should discuss cul-de-sacs at a later date.

Hines would like to see urban standards established for the County. He gave some examples of lighting issues.

Larsen talked about the Lakeside Water & Sewer district.

The Board would like to see the applicant work with the neighbors.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion passed 6-3 with Lapp, Larsen, & Fleming dissenting.

Jeff Harris talked to the Board about impact fees and referenced MCA.

**PRELIMINARY  
PLAT/  
RIDGEVIEW  
PARK FPP 05-78**

A request by 83 Development, LLC for Preliminary Plat approval of Ridgeview Park, a major subdivision that will create five (5) commercial lots on 5.31 acres. All lots in the subdivision are proposed to have public water and septic systems. The property is located off Montana Highway 82.

**STAFF REPORT**

Nicole Lopez-Stickney reviewed Staff Report FPP 05-78 for the Board.

Hines asked what the vote was at the BFLUAC.

**APPLICANT**

Dawn Marquardt, MMS, represented the applicant. She said the applicants do not have an easement to access an existing road. They have received a commercial road approach permit for this development. She questioned the condition pertaining to sidewalks and commented on bike paths.

Dziza questioned having multiple access points.

Marquardt pointed out there is only one.

Cross asked about the easement and vegetative buffers proposed.

**AGENCIES**

None present.

**PUBLIC  
COMMENT**

Bob Young, 195 Wolf Creek, doesn't think a buffer or sidewalks are necessary.

**STAFF  
REBUTTAL**

None.

<b>APPLICANT REBUTTAL</b>	None.
<b>MAIN MOTION</b>	Dziza made a motion, seconded by DeKort, to adopt Staff Report FPP 05-78 as findings of fact as amended and recommended approval to the County Commissioners.
<b>BOARD DISCUSSION</b>	The Board discussed what the setback would be if there were an easement put in place. They referenced the Flathead County Zoning Regulations.
<b>MOTION</b> <i>Condition #24</i>	Dziza made a motion, seconded by DeKort, to add condition #24 to read: The subdivider shall provide a sixty (60) foot wide easement along the highway to the west property line.
<b>ROLL CALL</b> <i>Condition #24</i>	On a roll call vote the motion passed 8-1 with Toavs dissenting.
<b>MOTION</b> <i>Condition #16</i>	Fleming made a motion seconded by Robertson to change condition #16 to require a minimum ten (10) foot landscape buffer.
<b>MOTION</b> <i>Condition #16</i>	On a roll call vote the motion failed 5-4 with DeKort, Cross, Fleming, and Robertson in support.
<b>MAIN MOTION</b> <b>ROLL CALL</b>	On a roll call vote the motion passed unanimously.
<b>OLD BUSINESS</b>	None.
<b>NEW BUSINESS</b>	<p>Jeff Harris announced the joint FCPB/LRPTF meeting on the Jan 25<sup>th</sup> regarding the growth policy. He encouraged Board members (specifically new members) to review the bylaws.</p> <p>Dziza discussed land values and calculations and thinks the applicants of the projects need a new appraisal, or current one within last 6 months, which can be discussed at pre-application meeting.</p> <p>The board discussed the idea of having appraisals done.</p>
<b>ADJOURNMENT</b>	The meeting was adjourned at approximately 11:30 p.m. on a motion by Robertson seconded by Lapp. The next meeting will be held at 6:00 p.m. on February 8, 2006.

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Jeff Larsen, President

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Jill Goodnough, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 3/8/06